

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Tr.C.M.P.No.458 of 2016

And

C.M.P.No.12371 of 2016

Ms.M.Amanullah Zaiba Aman

... Petitioner

Vs.

Gurumoorthy Raghuvaran

... Respondent

Prayer:

Petition filed under Section 24 of the Civil Procedure Code seeking to withdraw the petition in O.S.No.38 of 2015 pending before the Family Court at Trichy and transfer the same to Family Court at Chennai.

For Petitioner : Mr.Suresh

For Respondent : No Appearance

O R D E R

This transfer petition is to withdraw the proceedings in O.S.No.38 of 2015 from the file of the Family Court, Trichy and transfer the same to the file of Family Court, Chennai.

2.Heard the learned counsel for the petitioner. None appears for the respondent inspite of printing his name in the cause list after

service.

3.The petitioner has filed the suit in O.S.No.38 of 2015 before the Family Court, Trichy praying for a decree declaring that the marriage registration certificate dated 29.09.2014 is null and void. The petitioner now seeks an order to transfer the proceedings to the Court at Chennai.

4.According to the petitioner, she was mis-guided by the counsel at Trichy and as such the matter was filed before the Court at Trichy. It is the further contention of the petitioner that she is a resident of Chennai and as such the proper Court is the Court at Chennai to adjudicate the matter on merits.

5.The petitioner is a permanent resident of Chennai. Even in the plaint filed in O.S.No.38 of 2015, her present address at Chennai is mentioned as the address of the plaintiff. Such being the factual position, the petitioner is perfectly correct in her contention that the plaint ought to have been filed before the Court at Chennai. I am therefore of the view that the petition deserves to be allowed.

6.In the result, the proceedings in O.S.No.38 of 2015 is withdrawn from the file of the Family Court, Trichy and is transferred to the file of the Family Court at Chennai for disposal on merits.

7.The transfer petition is allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No
Internet: Yes/ No

To

1.The Family Court,
Trichy.

2.The Family Court,
Chennai.

K.K.SASIDHARAN,J.
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